

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF WEST VIRGINIA
MARTINSBURG**

HARMONY HAHN,

Petitioner,

v.

**CIVIL ACTION NO.: 3:16-CV-118
CRIMINAL ACTION NO.: 3:15-CR-20-4
(GROH)**

UNITED STATES OF AMERICA

Respondent.

ORDER ADOPTING REPORT AND RECOMMENDATION

On this day, the above-styled matter came before the Court for consideration of the Report and Recommendation (“R&R”) of United States Magistrate Judge James E. Seibert. Pursuant to this Court’s Local Rules, this action was referred to Magistrate Judge Seibert for submission of a proposed R&R. Magistrate Judge Seibert issued his R&R [ECF No. 2086]¹ on August 9, 2017. In the R&R, he recommends that the Respondent’s Motion to Dismiss [ECF No. 1979] be granted, and the Petitioner’s Motion to Vacate² [ECF No. 1882] be denied. Pursuant to 28 U.S.C. § 636(b)(1)(C), this Court is required to make a *de novo* review of those portions of the magistrate judge’s findings to which objection is made. However, the Court is not required to review, under a *de novo* or any other standard, the factual or legal conclusions of the magistrate judge as to those portions of the findings or recommendation to which no objections are addressed.

¹ All ECF numbers cited in this Order refer to those found in the underlying Criminal Action Number.

² The Court acknowledges that the Petitioner re-filed her § 2255 motion on the proper forms [ECF No. 1898]. The Court has reviewed and considered both motions in making its decision to adopt Magistrate Judge Seibert’s R&R.

Thomas v. Arn, 474 U.S. 140, 150 (1985). Failure to file timely objections constitutes a waiver of *de novo* review and of a Petitioner's right to appeal this Court's Order. 28 U.S.C. § 636(b)(1); Snyder v. Ridenour, 889 F.2d 1363, 1366 (4th Cir. 1989); United States v. Schronce, 727 F.2d 91, 94 (4th Cir. 1984).


Objections to Magistrate Judge Seibert's R&R were due within fourteen plus three days of the Petitioner being served with a copy of the same. 28 U.S.C. § 636(b)(1); Fed. R. Civ. P. 72(b). Service was accepted by the pro se Plaintiff on August 14, 2017. ECF No. 2092. Therefore, after allowing additional time for transit in the mail, the Court finds that the deadline for the Petitioner to submit objections to the R&R has passed. No objections have been filed. Accordingly, this Court will review the R&R for clear error.

Upon careful review of the R&R, it is the opinion of this Court that Magistrate Judge Seibert's Report and Recommendation [ECF No. 2086] should be, and is hereby, **ORDERED ADOPTED** for the reasons more fully stated therein.

Therefore, the Respondent's Motion to Dismiss [ECF No. 1979] is **GRANTED**. Accordingly, the Petitioner's Motion to Vacate pursuant to 28 U.S.C. § 2255 [ECF No. 1882] is **DENIED**. This matter is **ORDERED STRICKEN** from the Court's active docket.

The Clerk of Court is **DIRECTED** to mail a copy of this Order to the Petitioner by certified mail, return receipt requested, at her last known address as reflected on the docket sheet.

DATED: October 26, 2017


GINA M. GROH
CHIEF UNITED STATES DISTRICT JUDGE